

NATURAL AREAS ADVISORY COUNCIL MEETING

March 1, 2011
Environmental Laboratory
Richards and Robbins Building
Dover, DE 19901
9:00AM

ATTENDANCE

Council Members:

John Williams, Chair
Dave Athey
Debbie Heaton
Peter S. Martin
Carl Solberg

Guests:

Staff:

Eileen Butler, Parks & Recreation, DNREC
Matthew Chesser, Parks & Recreation, DNREC
Ron Vickers, Parks & Recreation, DNREC

I Call to Order/Announcements

Mr. Williams, Chairperson, called the Natural Areas Advisory Council meeting to order at 9:12 a.m. He welcomed Council members, and staff and asked for announcements.

Mr. Williams and Council discussed the by-laws, especially pertaining to Article III, number 17. Ms. Butler said Council briefly discussed attendance at the December 2010 meeting. Mr. Williams said the wording is confusing and could have several interpretations. Ms. Heaton said at her Senate Confirmation for this Council, Administration asked for her past attendance records at other Council meetings and the reasons why she had missed a meeting.

Mr. Williams asked Ms. Butler to provide new wording to Article III, number 17 and to add a discussion of the by-laws to the June 7, 2011 meeting. Ms. Butler will email a draft of the changes prior to the June meeting, for Council to review.

II Approval Meeting Minutes

Mr. Williams asked for a motion to approve the December 7, 2011 meeting minutes. Council approved minutes as read.

III. Old Business

Hearing Report: Ms. Butler drafted a Technical Response Memorandum to comments made regarding the proposed regulations. The only official comments, beside Mr. Williams, who supported what the Department was doing, came from Lorraine Fleming (comments distributed at December meeting). Her substantive concern focused on the delisting process; with emphasis that Council was over-reaching beyond what the law required.

The Department says it would be better served to have a scientifically based process for delisting a site on the State Registry of Natural Areas so that it provides clarity and consistency to the process.

Mr. Solberg said there was no point to the subtle change of '*to carry out*' in the definition of Management Practices being replaced by '*consistent with*' so that the definition reads: "The Management practices means activities that may or may not take place within a Nature Preserve, *consistent with* the uses and purposes which the land is dedicated. Mr. Solberg thought the original language was more appropriate.

The other grammatical changes clarified definitions such as "*Registry*" and "*Registration*." To change the definition "*Registry*" to read 'The State *Registry* of Natural Areas means a list identifying all State Natural Areas accompanied by a map on file with the Office of Nature Preserves. In addition, to change the definition "*Registration*" to read, "*Registration* means the act of accepting a site on to the State Registry of Natural Areas." The definitions were changed because of concern that the word "register" was used in the original definition for "registration."

The Secretary will review the Hearing Officer's Report and determine if the suggested changes made by the Department are substantive. If they are not, the regulations are promulgated once signed off by the Secretary. If changes are substantive, a new hearing process is required.

Nomination/Delisting Forms: Council discussed the format and grammatical problems associated with the forms.

Mr. Williams asked for a motion to approve the Nomination and Delisting Forms. Mr. Athey made a motion to approve the forms subject to Council's comments and corrections. Mr. Martin seconded. Motion passed unanimously.

IV. Natural Areas Registry

Ms. Butler said there was no Natural Area Registry activity this past quarter. However, at the last meeting she informed Council on the **Frenchtown Woods Natural Area**. Ms. Butler spoke with the County about the landowner wanted to locate a cell tower on a parcel that is within the Natural Area. The County indicated that the project is no longer active because the applicant had not complied with the County's requests for information. The applicant received a variance to allow a cell tower built into a residential area from the Board of Adjustment. Ms. Butler will continue to follow up on this project as the Natural Area has a high probability of rare and endangered species.

V. Nature Preserve Dedications

The plan is for Cape Henlopen State Park to be dedicated as a State Nature Preserve by the end of 2011, once the management plan is complete. The dedication process takes longer due to the new process of developing an approved Management Plan prior to dedication.

VI. Nature Preserve Management Issues

Ms. Butler said Flint Woods and Fork Branch Nature Preserve Management Plans were finally completed after waiting a year for information from the enforcement section of Parks. Both projects will go to the Division Director for final approval. Staff will review Management Plans every five years to ascertain whether goals are met and to update plans.

The Pea Patch Island Management Plan is three-quarters complete. Eileen plans to schedule a meeting with Park staff at Pea Patch to get their input.

Staff plans to have the Angola Neck Management Plan completed by 2011.

Mr. Williams asked how much of the Management Plan was general and how much was specific to each site. Ms. Butler said there are three sections to a Management Plan. The first provides an overview of the site - type of habitat, facilities, pre-acquisition history. The second reviews the current conditions and existing management. The third section discusses future actions to take within the next five years and to achieve the identified goals.

Mr. Williams asked how many Nature Preserves have Management Plans. Ms. Butler said she creates Management Plans for Preserves located on Park property. However, staff plans to work with other Divisions like Fish & Wildlife and/or Historic and Cultural Affairs to develop plans for Preserves on other State properties. Milford Millpond is a Nature Preserve where Parks is working in cooperation with Fish & Wildlife and the Delaware Nature Society. The Nature Society manages Fish & Wildlife's properties in the Milford Millpond Nature Preserve.

Mr. Solberg supported & commended Ms. Butler in having all her 'ducks in a row' on the Management Plan project with the interdepartmental cooperation documented and in place before designating a Nature Preserve.

VII. New Business

- 2011 Project List: Ms. Butler distributed her upcoming year project list and reviewed with Council. Projects include Program Administration, Nature Preserve Assessment, Nature Preserve Management Plans, Nature Preserve Monitoring, Nature Preserve Violations, & Landowner Outreach/Preservation.
- Access Database: Ms. Butler distributed a database designed by Beth Emerson. This Nature Preserve Database will house information on each Preserve as well as follow up actions on enforcement issues. Mr. Solberg praised Beth Emerson's database design skills.
- Fieldtrip: Ms. Butler asked whether the Council wished to go on a field trip this year.

Ms. Heaton said, since Council has some input in the Articles of Dedication, might it be helpful if Council members attended a Nature Preserve assessment with Ms. Butler. This helps Council understand what the challenges are and better informed when reviewing proposed Articles of Dedication designed between the landowner and the Office of Nature Preserves.

Mr. Vickers said there are two purposes for a Council field trip: One is for Council to visit Nature Preserves to appreciate past accomplishments, and the second is to get a sense of upcoming proposed dedications and witness the challenges that go with it.

Mr. Athey suggested Council's field trip coincide with Council's regular meeting. Council agreed. Mr. Williams asked that the field trip not be too long. Ms. Butler will email Council with various places to visit – in June or September 2011.

VIII. Public Comment and Synopsis Reports From Other Councils, Stakeholders, and Partners

Mr. Williams attend the State Parks Council meeting held on February 3, 2001. He said it was

this Council's first time to discuss and vote on the Land & Water Conservation Trust Fund Program. Mr. Ehemann presented the applications, which Council approved and voted on. Ms. Heaton said she understood LWCTF would lose their funding to Open Space, and other projects. Mr. Vickers explained the equal division of the Realty Transfer Tax program from the \$1.5million interest received each year: Greenways, Local Parks, and Stewardship.

IX. Next Meeting and Adjournment

The next Natural Areas Advisory Council meeting is June 7, 2011

All 2011 Natural Area Council meetings to be held in DNREC's Environmental Laboratory, Dover, DE, starting 9:00AM.

Mr. Williams asked for a motion to adjourn. Meeting adjourned at 10:45AM.